

PATENT

RECEIVED
CENTRAL FAX CENTERREMARKS

AUG 02 2006

The Office Action mailed February 7, 2006, has been received and reviewed. Claims 1, and 3-6 are currently pending in the application. Claims 1, and 3-6 stand rejected. Applicants have amended no claims, and respectfully request reconsideration of the application as presented herein.

35 U.S.C. § 102(e) Anticipation RejectionsAnticipation Rejection Based on U.S. Patent No. 6,967,972 to Volftsun et al.

Claims 1, 3-6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Volftsun et al. (U.S. Patent No. 6,967,972). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants submit that the Volftsun reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 1, and claims 3-6 depending therefrom, because the Volftsun reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Office Action alleges:

As per claim 1, Volftsun et al teaches a wireless apparatus for processing calls in a communication system, the wireless apparatus comprising: a controller (see figs. 4-7 element 300) to receive an message or notifications is the same as the claimed (indications) of a first call and to instantiate a first call control state machine of a type in accordance with a type of the first call, the first call control state machine being used to control processing of the first call (see figs. 4-7 elements 410, 402a, 714 and col. 9, lines 29-40 and col. 14, lines 1-67), wherein the controller is further configured to receive an indication of a second call while the first call is pending and instantiates a second call control state machine of a type in accordance with a type of the second call, the first and second call control state machines being used to concurrently control processing of the first and second calls, respectively (see figs. 4-7 elements 412, 402b, 718 and col. 9, lines 29-40 and col. 14, lines 1-67 and col. 21, lines 30-55 and col. 30, lines 30-60). (Office Action, pp. 2-3; emphasis added).

PATENT

Applicants respectfully disagree that the Volftsun reference anticipates Applicants' invention as claimed in independent claim 1 which reads:

1. A wireless apparatus for processing calls in a communication system, the wireless apparatus comprising:

a controller to receive an indication of a first call and to *instantiate a first call control state machine of a type in accordance with a type of the first call*, the first call control state machine being used to control processing of the first call, wherein the controller is further configured to receive an indication of a second call while the first call is pending and *instantiate a second call control state machine of a type in accordance with a type of the second call*, the first and second call control state machines being used to concurrently control processing of the first and second calls, respectively. (Emphasis added.)

Applicants' invention, as presently claimed, is configured to evaluate and "to instantiate a ... state machine of a type in accordance with a type of the ... call". The Volftsun reference uses no such evaluation or discretion as to a type of state machine to instantiate. Rather, the Volftsun reference discloses a single "type" of call instance that includes a fixed arrangement of state machines for all calls that are received. Specifically, the Volftsun reference discloses:

Call Instance 402 is comprised of three functional state machines—two Call Control State machines, one designated for an originating call control OCC 410, one designated for a terminating call control TCC 412; and one designated as a Universal Call Model State Machine ("UCM") 414. (Volftsun, col. 9, lines 28-33; emphasis added).

The process flow of the handling of a new call by the [Volftsun] invention is traced by starting at the Network Interface 700 ... [wherein] the Receiving Protocol Adapter *instantiates a new Call Instance*. As depicted in 402 of FIG. 4, the new Call Instance is comprised of three state machines 714, 716, and 718 and a Call Context 708. (Volftsun, col. 14, lines 4-24; emphasis added).

Thus, the disclosure of the Volftsun reference's "new call instance" cannot anticipate under 35 U.S.C. § 102 Applicants' invention as presently claimed, namely, "to instantiate a ... state machine of a type in accordance with a type of the ... call", as recited in Applicants' independent claim 1.

Therefore, independent claim 1, and claims 3-6 depending therefrom, cannot be anticipated by the Volftsun reference under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

PATENT**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: August 2, 2006

By: Ramin Mobarhan
Ramin Mobarhan. No. 50,182
(858) 658 -2447

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5102
Facsimile: (858) 658-2502

Attorney Docket No.: 990524C1
Customer No.: 23696